(1)

P.R. No. 3061/05
Presented by Shri Aman Kashyap
dated 01/12/05

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**
**CHHATTISGARH**

Single Bench

M.C.C. NO. 257 OF 2005
( Arising out of Second Appeal No. 891 Of 1999)

**APPLICANTS:** APPELLANTS
1. Vishal S/o Shri Phannuram Sahu , aged about 55 years, resident of Village Dhaneli, Post Abhanpur,Tehsil and District Raipur (CG).

2. Keja Bai W/o Ramcharan Sahu,aged about 45 years, resident of Village Chhatouna Via Mahasamund, Tahsil Mahasamund District Raipur (CG).

**VERSUS**

**RESPONDENT:** Dehra, S/o Baratu Sahu, aged about 55 years, resident of Village Dhaneli, Tehsil and District Raipur (CG).

**APPLICATION FOR RESTORATION OF SECOND APPEAL NO.891/1999 (BETWEEN VISHAL AND ANOTHER VERSUS DEHRA) DISMISSED IN DEFAULT OF FOR WANT OF PROSECUTION ON DATED 10.11.2005**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** .....M.C.C.No..257/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 03.12.2005<br>Shri Sunil Sahu, counsel for the appellants.<br>Heard.<br>The applicant has preferred this application for restoration of S.A. No. 891/99 as the same was dismissed vide order dated 10/11/2005 for want of prosecution.<br>Learned counsel for the appellants submit that the matter was in fact listed for 08.11.2005 and the same was passed over because of non appearance of the respondents. However the same was dismissed on subsequent date because none appeared on behalf of the parties and in view of the above, the application deserves to be allowed.<br>The file of S.A. No. 891/99 have been perused. On the date when the appeal was dismissed, none appeared for the parties. Taking into consideration the grounds raised by the appellants in this application which is supported by an affidavit, the application is allowed and the appeal No. 891/99 is restored to its original number.<br>In view of the above, I.A. No. 3147/2005 stands disposed of.<br>**Sd/-**<br>**Dhirendra Mishra**<br>**Judge** | |

SP/FS/2005 - 20,000